

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 2:05-cr-149-LSC
)
 KIM CHATHAM)

GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE
PURSUANT TO § 5K1.1, UNITED STATES SENTENCING GUIDELINES

COMES NOW the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and files the above-captioned motion, and as reasons therefore, submits the following:

1. Defendant entered a plea of guilty pursuant to a plea agreement under Rule 11(c)(1)(C) to an information charging a violation of Title 18, United States Code, Section 4.
2. Defendant agreed to cooperate with the Government in the instant cause and in subsequent investigations as necessary, and to waive the rights to appeal or collaterally attack the guilty plea or sentence.
3. The United States submits the defendant has cooperated with the United States and has abided by the terms of the plea agreement. The assistance provided by the defendant should be considered substantial.
4. The Government is satisfied that the defendant is entitled to be considered for a reduction of sentence under § 5K1.1 U.S.S.G., and moves this Court to downwardly depart 6 levels and impose a sentence of probation the term of which to be determined by the court.

Respectfully submitted this the 22nd day of June, 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

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ASB-1176-O73T

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CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Bruce Maddox, Esquire.

Respectfully submitted,

/s/Tommie Brown Hardwick
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